

MINUTES

North Dakota State Water Commission Telephone Conference Call Meeting Bismarck, North Dakota

February 15, 1996

The North Dakota State Water Commission held a telephone conference call meeting in the Governor's conference room, State Capitol, Bismarck, North Dakota, on February 15, 1996. Chairman, Edward T. Schafer, called the meeting to order at 10:30 AM, and requested State Engineer and Chief Engineer-Secretary, David A. Sprynczynatyk, to call the roll. The Chairman declared a quorum was present.

MEMBERS PRESENT:

Governor Edward T. Schafer, Chairman
Sarah Vogel, Commissioner, Department of Agriculture, Bismarck
Florenz Bjornson, Member from West Fargo
Judith DeWitz, Member from Tappen
Elmer Hillesland, Member from Grand Forks
Jack Olin, Member from Dickinson
Robert Thompson, Member from Page
David A. Sprynczynatyk, State Engineer, and Chief Engineer-Secretary,
North Dakota State Water Commission, Bismarck (by phone from Grand Forks)

MEMBERS ABSENT:

Mike Ames, Member from Williston
Harley Swenson, Member from Bismarck

OTHERS PRESENT:

State Water Commission Staff
Gregg Thielman, State Water Commission Devils Lake office (by phone from Devils Lake)
Gordon Weixel, Devils Lake Daily Journal (by phone from Devils Lake)
Julie Krenz, Assistant Attorney General, Bismarck
Dale Wetzel, Associated Press, Bismarck
Dave Thompson, Prairie Public Radio, Bismarck
Michael Lindblom, KFYP-TV, Bismarck

The attendance register is on file with the official minutes.

**DEVILS LAKE EMERGENCY
RESPONSE PLAN -
APPROVAL OF FUNDS
FOR ACQUISITION OF
MITIGATION LANDS
(SWC Project No. 1882)**

At its November 29, 1995, meeting, the State Water Commission passed a motion approving the allocation of \$750,000 from the Contract Fund for the Devils Lake Emergency Response Plan, of which \$350,000 was obligated for pumps, initial land rights, and

pipe materials. The remaining \$400,000 remains allocated, but unobligated until needed, at which time a recommendation will be brought before the State Water Commission for consideration.

Secretary Sprynczynatyk provided a status report on the Stump Lake pumping component of the Devils Lake Emergency Response Plan. On January 31, 1996, seven diesel-powered Gator pumps capable of pumping a total of 112,000 gallons per minute were ordered. The pumps will be delivered in May and should be operational by June 1, 1996. He said significant progress occurred in January with discussions between the State Water Commission staff and the affected landowners. All potentially affected landowners have been contacted and negotiations for flood easements are ongoing. To date, land rights have been obtained from 26 percent of the landowners and, he said it is expected that an additional 15 percent of the land rights will be obtained voluntarily. The staff is in the final stages of the engineering design for the connecting channel between East Devils Lake and Stump Lake and, weather permitting, construction will begin in April, 1996. The Department of Transportation has begun the final design for the raise of Dutch Point Road and Highway 1.

Secretary Sprynczynatyk indicated negotiations continue with the landowners relative to acquiring land for mitigation. He said mitigation is required by the Corps of Engineers' Section 404 permit.

Secretary Sprynczynatyk presented a proposal for the Commission's consideration to acquire mitigation land along the channel for the Stump Lake pumping project through a land trade, which will be sold by auction on February 16, 1996, in Devils Lake. Orrin Cox of Crary, ND, owns a 420-acre parcel of land on the eastern end of Devils Lake and is willing to trade that property for 280 acres of land located about two miles northeast of his property. The appraised value of the property is \$65,000. The Cox property includes a drained wetland, and part of the natural channel that could divert Devils Lake water east also runs across the Cox property. The Stump Lake pumping project requires replacement of 776 acres of wetlands, and Secretary Sprynczynatyk said acquisition of the Cox property would put the state more than halfway to that goal. He said if the mitigation land is acquired, it would allow the state an opportunity to save approximately \$100,000 in construction and wetlands replacement costs. The estimated cost of acquiring the mitigation lands is \$200,000.

It was the recommendation of the State Engineer that the State Water Commission approve \$200,000 from the Contract Fund for the acquisition of mitigation lands for the Devils Lake Emergency Response Plan. These funds are part of the \$750,000 allocated by the State Water Commission at its November 29, 1995 meeting, and would increase the total amount of obligated funds to \$550,000.

Commissioner Vogel reiterated the concerns and questions she had expressed at previous State Water Commission meetings relating to project funding, Nelson County landowners concerns, and involvement of the State Water Commission in the overall project development.

It was moved by Commissioner Olin and seconded by Commissioner Hillesland that the State Water Commission approve the obligation of \$200,000 from the Contract Fund for the acquisition of mitigation lands for the Devils Lake Emergency Response Plan. These funds are part of the \$750,000 allocated on November 29, 1995, increasing the total amount of funds obligated to \$550,000. The remaining \$200,000 remains allocated, but unobligated until needed, at which time a recommendation will be brought before the State Water Commission for consideration. This motion is contingent on the availability of funds.

Commissioners Bjornson, DeWitz, Hillesland, Olin, Thompson, and Chairman Schafer voted aye. Commissioner Vogel voted nay. Recorded voted was 6 ayes; 1 nay. The Chairman declared the motion carried.

**CONSIDERATION AND
APPROVAL OF RESOLUTION
OF APPRECIATION FOR
E. EUGENE (GENE) KRENZ
(Resolution No. 96-2-467)**

A draft resolution of appreciation was presented for the Commission's consideration for E. Eugene (Gene) Krenz, who is retiring from the State Water Commission on February 29, 1996, after nearly 25 years of service to the State of North Dakota.

It was moved by Commissioner Vogel, seconded by Commissioner Thompson, and unanimously carried, that Resolution No. 96-2-467, In Appreciation to E. Eugene (Gene) Krenz, be approved. SEE APPENDIX "A".

**NEXT STATE WATER
COMMISSION MEETING**

Secretary Sprynczynatyk informed the Commission members that the congressional delegation has scheduled a meeting in Devils Lake on February 23, 1996, at the UND Lake Region Community College, beginning at 8:30 AM. The items for discussion include the Federal Emergency Management Agency (FEMA) Interagency Task Force report, the Contingency Plan prepared by the Corps of Engineers, and the National Weather Service forecasts for the Devils Lake basin.

In conjunction with the congressional delegation's meeting, the decision was made that the State Water Commission meeting scheduled for February 23, 1996, in Bismarck, be moved to Devils Lake on February 23, 1996. The meeting will begin at 1:00 PM at the UND Lake Region Community College, Administration Building, Room 33.

**COMMENDATION TO STATE
WATER COMMISSION STAFF**

Governor Schafer mentioned the last paragraph of Secretary Sprynczynatyk's memorandum of February 13, 1996, in which the efforts of the State Water Commission staff are applauded. Governor Schafer also expressed his appreciation for the efforts of everyone on the State Water Commission staff who are working diligently toward solving the difficult Devils Lake problem.

There being no further business to come before the State Water Commission, it was moved by Commissioner Thompson, seconded by Commissioner Vogel, and unanimously carried, that the State Water Commission telephone conference call meeting adjourn at 11:00 AM.

/S/ Edward T. Schafer
Edward T. Schafer
Governor-Chairman

SEAL

/S/ David A. Sprynczynatyk
David A. Sprynczynatyk
State Engineer and
Chief Engineer-Secretary

